

OFFICE OF THE CLERK

MARCIA M. WALDRON
CLERK

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA 19106-1790

TELEPHONE
215-597-2995

April 10, 2007

Mr. Michael Kevin Hoffman
SBI #00426044
Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977



In Re: Michael Kevin Hoffman
Related to D. De. No. 06-cv-00473
Re: Undocketed in Third Circuit Court of Appeals

Dear Mr. Hoffman:

This will acknowledge receipt of a petition for a writ of mandamus or prohibition directed to a court of the United States pursuant to 28 U.S.C. §1651 and Rule 21, Federal Rules of Appellate Procedure.

Your petition cannot be docketed because you have not submitted the docketing fee or, in the alternative, filed a motion to proceed in forma pauperis and affidavit in support thereof. See Rule 21(a)(3), Federal Rules of Appellate Procedure and Madden v. Myers, 102 F.3d 74, 78 n.6 (3rd Cir. 1996).

Therefore, if you wish to have your petition docketed, you must either pay the filing fee of \$450 or submit an original and three copies of an in forma pauperis motion and affidavit to the Court of Appeals. See Rule 21(a)(3) and Form 4, Federal Rules of Appellate Procedure. You also must serve your in forma pauperis motion and affidavit on each party to the proceeding in the trial court (or on counsel for each party). A certificate of service must be submitted to the Court of Appeals. See Rules 21 and 25, Federal Rules of Appellate Procedure. A form affidavit is enclosed for your convenience. As required by the affidavit form and statute, your motion must also be accompanied by a certified statement of your institutional account for the six months prior to this date.

In addition, you have not included the proper number of copies of your petition. You must submit 3 additional copies. See Rule 21(d), Federal Rules of Appellate Procedure.

Please comply with the procedures indicated above within fourteen (14) days of the date of this letter. If we do not hear from you within this time, we will assume that you wish no further action taken.

Very truly yours,

Marcia M. Waldron, Clerk

By:

/s/ Helen A. George
Helen A. George
Motions Attorney

Enclosures (Affidavit Form and Prison Account Statement)

cc: Honorable Joseph J. Farnan, Jr. (w/out enclosures)
Elizabeth Roberts McFarlan, Esq. (w/out enclosures)

Honorable Joseph J. Farnan Jr.
District Judge
Lockbox 27
844 King Street
Wilmington, DE 19801

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